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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,308	07/20/2000	Joseph Drori	08991-031001	2491
7590 10/29/2004			EXAMINER	
Townsend & Townsend & Crew LLP Two Embarcadero Center, Eighth Floor San Francisco, CA 94111-3834			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,308

Applicant(s)

DRORI, JOSEPH

Examiner

Jean B Corrielus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17, 19, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-9, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 18, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/8/04
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/04 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kannan et al US Patent No. 5,423,045 in view of Snow US patent No. 6,546,434. Kannan et al discloses a method and apparatus comprising the steps of receiving a sequence of pulses (8 bits of data pulse) from a serial port see col. 28, lines 35 and 49-55, inherently consistent with a serial protocol; interpreting the bits of data pulses received according to the serial protocol wherein the serial protocol defines a set of battery management commands (i.e. power off, clear power disruption flag, clear charge fault etc...) based on

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at least the number of pulse in the sequence (number of bits) see col. 28, lines 51-col. 29, line 37; the commands are transmitted from the service processor 264 to control the battery unit see col. 28, lines 35-col. 29, line 37. However, Kannan does not teach that the serial port includes a single conductor. However, implementing a serial interface using a single conductor is old and well established in the art. For instance Snow teaches an interface having a single conductor. See col. 3, line 66-col. 4, line 9. It would have been obvious to one skill in the art to incorporate such a teaching in Kannan et al so as to minimize cost to implement the system since the need for a different connector to send a clock signal would be eliminated.

As per claims 2, 3, 8 and 9, it would have been obvious to one skill in the art to set the pulse width of each pulse the same and/or to set the time duration between signals to at least two times longer than a width of a pulse an/or to set each pulse in the sequence to a low or high level for a same time interval in order to satisfy system coding requirements.

As per claims 4-7, it would have been obvious to one skill in the art to map the signals in such a way that a zero signal would represent two pulses or a one signal would represent a sequence of three pulses or an ACK signal would represent a sequence of four pulses or a start sequence would represent a sequence of five pulses, in order to satisfy requirements of the selected mapping or coding protocol.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by

Naradone et al US Patent No. 5,265,053.

Naradone et al discloses an apparatus (fig. 1) comprising a serial interface consisting of a single conductor see fig. 1.; a serial interface logic coupled to the serial port 998 and a controller 999 coupled to the interface logic circuit 998.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naradone et al US Patent No. 5,265,053 in view of Kannan et al US Patent No. 5,423,045.

As applied to claim 20, Naradone discloses every feature of the claimed invention but does not explicitly teach the further limitations of receiving via the serial port a first signal, transitioning from a first level to a second level, the first signal comprising a first battery management command. Kannan teaches a serial port receiving a first signal (the first signal is an 8 bits data pulses, inherently having, two values, 0 and 1) see col. 28, line 36- col. 29, line 37. It would have been obvious to one skill in the art to incorporate such a teaching in Naradone so as to provide the system with the capability to manage its power so as to minimize consumption.

Allowable Subject Matter

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7. Claims 19 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 10-18, 24 and 25 are allowed

Response to Arguments

9. Applicant's arguments with respect to claims 1-9, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023. The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patel Jay, can be reached on 703-308-7728.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


Jean B. Corrielus

Primary Examiner

TC-2600 10-28-04